

REMARKS

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, Claims 1 and 4 have been cancelled. Claims 7-8 have been added. Claims 2, 3, and 5 have been amended to provide their proper dependency and make them consistent with claims they depend on.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

The Examiner rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Hsu, U.S. Patent No. 6 6,186,709 (Hsu). It is respectfully submitted that claims 2, 3, and 5-8 are patentable over the prior art, including Hsu.

Specifically, claim 7 recites:

- (i) display means (14) spaced from the switching recess (6); and
- (ii) mechanical connecting means, which connects the read-out means (16) with the actuator (8) and which carry functional step-identifying marks (18) and have a plurality of different positions corresponding to

different functional steps, with the display means (14) displaying only one identifying mark corresponding to an actual functioning step.

The foregoing novel features are not disclosed or suggested in Hsu. In Hsu, the display means and the read-out means are one and the same element (push block 20). Further, the display means is not spaced from the switching recess (insert hole 40) but is “located” in the switching recess (40). The push block (20) covers the insert hole (40) and, thus, is “located” therein (column 2, lines 38-39).

Further, in Hsu, both identifying marks (H, L) are displaced simultaneously and at all times. The specific function is determined by the position of the push block (20) in the housing.

The Office Action states that the actuation member (31)(?) divides the recess (40). It is not understood how the push-button (31) can divide the recess (40) in two separate recesses. Anyway, in any position of the push block (20), the display means (read-out means) (H, L) will be located in the switching recess (40). Clearly, Hsu discloses a completely different structure.

A rejection based on U.S.C. § 102 as in the present case, requires that the cited reference disclose each and every element covered by the Claim. Electro Medical Systems S.A. v. Cooper Life Sciences, 32 U.S.P.Q. 2d 1017, 1019 (Fed. Cir. 1994); Lewmar Marine Inc. v. Barient Inc., 3 U.S.P.Q. 2d 1766, 1767-68 (Fed.

Cir. 1987); Verdegaal Bros., Inc. v. Union Oil Co., 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). The federal Circuit has mandated that 35 U.S.C. § 102 requires no less than “complete anticipation . . . [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); See also, Electro Medical Systems, 32 U.S.P.Q. 2d at 1019; Verdegaal Bros., 2 U.S.P.Q. 2d at 1053.

Since Hsu fails to disclose each and every feature of independent Claim 7, Hsu, as a matter of law, does not anticipate the present invention, as defined by said independent claim.

In view of the above, it is respectfully submitted that Hsu does not anticipate or make obvious the present invention as defined in Claim 7, and the present invention is patentable over Hsu.

Claims 2, 3, 5, 6 and 8 depend on Claim 7 and are allowable for the same reasons Claim 7 is allowable and further because of specific features recited therein which, when taken alone and/or in combination with features recited in Claim 7 are not disclosed or suggested in the prior art. Thus, Claim 2 recites that the display means (14) is formed by a recess provided in the housing. No recess is provided above the read-out means (H, L) in Hsu.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 27, 2004.

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